

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

LARRIE HOPE #181215

Plaintiff

V.

Richard Allen ET AL.

Defendants

101 JUL 28 '07 A 11:07

U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CASE NO: 2:07-CV-210-MHT

Motion To Compel

Come now the Plaintiff LARRIE HOPE located at 3700 Holman Unit, ATMORE ALABAMA 36503 File this motion in Pursuant to FEDERAL RULE OF CIVIL PROCEDURES 37(A), which allows Plaintiff to file a motion asking the Honorable Court to Compel a Response or disclosure. In support of this motion Plaintiff states:

(1.) ON MARCH 31 2007 UNITED STATES MAGISTRATE JUDGE SUSAN RUSS WALKER ORDERED THE DEFENDANTS TO PRODUCE THE FOLLOWING DOCUMENTS. ON JUNE 13, 2007, DEFENDANTS FILED A RESPONSE TO Plaintiff DISCOVERY REQUEST AND IN DEFENDANTS RESPONSE IN SECTION(C), DEFENDANTS OBJECT TO PRODUCE STANDARD OPERATION PROCEDURES #208 - STANDARD OF CONDUCT OF OFFICERS. Plaintiff NEEDS STANDARD OPERATION PROCEDURES #208 TO COMPLY WITH FEDERAL RULE OF CIVIL PROCEDURES 56 AND TO PROVE THERE IS A GENUINE ISSUE OF MATERIAL FACT Plaintiff MUST HAVE ALL OF THE REQUESTED DOCUMENTS TO PROVE EACH ELEMENT OF HIS CLAIMS.

(2) PLAINTIFF FURTHER STATES THAT STANDARD OPERATION PROCEDURES #208 ADDRESSES CONDUCT OF OFFICERS WHEN ADDRESSING INMATES AND WILL PROVIDE THE PLAINTIFF WITH THE PROPER PROCEDURES OFFICERS SHOULD TAKE EVEN IF INMATES USE PROFANITY AND TO PROVE THAT FORCE SHOULDN'T HAVE BEEN USED AGAINST THE PLAINTIFF AT ALL, AND THAT DISCIPLINARY ACTIONS WAS THE PROPER PROCEDURES SHOULD HAVE BEEN TAKEN AGAINST HIM IF PROFANITY WAS USED BY THE PLAINTIFF.

(3.) DEFENDANTS ALSO OBJECT TO PRODUCE IN SECTION (D) OF DEFENDANTS RESPONSE TO DISCOVERY REQUEST, USE OF FORCE REGULATION OF OFFICER. THIS POLICY PROVIDE INFORMATION THAT SHOULD BE TAKEN BY OFFICERS IN VIOLENT SITUATIONS AND HAVE NOTHING TO DO WITH SECURITY REASONS. IN ORDER TO COMPLY WITH FEDERAL RULE OF CIVIL PROCEDURES 56 AND TO PROVE THERE IS A GENUINE ISSUE OF MATERIAL FACT, PLAINTIFF MUST HAVE ALL REQUESTED DOCUMENTS TO PROVE EACH ELEMENT OF HIS CLAIMS

(4) PLAINTIFF FURTHER STATES THAT, ADMINISTRATIVE REGULATION NUMBER 433 STATES THAT WHEN AN INMATE IS REMOVED FROM ADMINISTRATIVE SEGREGATION CELL FOR ANY REASON, APPROPRIATE RESTRAINTS WILL BE USED, UNLESS OTHERWISE DIRECTED BY THE WARDEN, CAPTAIN ROLLING LT. CLAY AND SEGT. SMITH ALL STATES IN THEIR AFFIDAVIT THAT WHEN THEY ARRIVED AT THE SCENE OF THE INCIDENT PLAINTIFF WAS HANDCUFFED BEHIND HIS BACK. SEE SPECIAL REPORT OF DEFENDANTS, EXHIBIT #5 AFFIDAVIT OF CAPTAIN ROLLING SEE EXHIBIT #4 AFFIDAVIT OF LIEUTENANT CLAY SEE EXHIBIT #6 AFFIDAVIT OF SEGT. SMITH, SEE EXHIBIT #9

(5) IN ORDER FOR THE PLAINTIFF TO COMPLY WITH FEDERAL RULE OF CIVIL

PROCEDURES 56 AND PROVE THERE IS A GENUINE ISSUE OF MATERIAL FACT IN EACH ELEMENT OF HIS CLAIMS, PLAINTIFF MUST HAVE ALL OF THE REQUESTED DOCUMENTS IN 4(A) (E) AND 4(F) OF MOTION FOR PRODUCTION OF DOCUMENTS. PLAINTIFF IS NOW HOUSED IN SEGREGATION AT HOLMAN CORRECTIONAL FACILITY AND HAVE BEEN IN HOLMAN SEGREGATION UNIT SINCE JUNE 19, 2007 PLAINTIFF HAS PROVIDED A REQUEST FOR LAW LIBRARY SERVICES IN REGARD TO REVIEWING THE DOCUMENTS IN SECTION (A) (B) AND (E) OF DEFENDANTS RESPONSE TO DISCOVERY REQUEST BUT AS OF THIS MOTION PLAINTIFF HAS NOT BEEN SERVED ANY LAW LIBRARY ASSISTANCE.

WHEREFORE, PLAINTIFF PRAYS THIS HONORABLE COURT TO COMPEL THE DEFENDANTS TO PRODUCE ALL OF THE FOLLOWING REQUESTED DOCUMENTS TO PROVE EACH ELEMENT OF HIS CLAIMS, AND TO PROVE A CYCLE OF RETALIATION HAS BEEN CONTINUOUS AGAINST HIM SINCE THE SUPREME COURT RULING IN THE HOPE V. PELZER CASE IN 2002 AND TO PROVE THAT THE PROPER PROCEDURES WAS NOT TAKEN in USING FORCE AGAINST HIM, AND THAT IT SHOULDN'T HAVE BEEN ANY FORCE USED AGAINST HIM AT ALL, AND TO PROVE THAT SUPERVISOR OFFICIALS WERE WELL AWARE OF SUBORDINATES ACTIONS OF ABUSE AND THAT DEFENDANTS HAVE A SYSTEM OF COVERING UP THAT ABUSE ON INMATES BY OFFICIALS AT KILBY CORRECTIONAL FACILITY.

DONE THIS THE 27th DAY OF JUNE 2007

Larnie Hope # 181215

Larrie Hope
AIS 181215
Kilby Correctional Facility
P.O. Box 150
Mt. Meigs, AL 36057

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT COPY OF FOREGOING HAVE BEEN
PLACED IN THE U.S. MAIL ON THE 27 DAY OF JUNE 2007 AND
SERVED ON THE FOLLOWING:

C/O: THE HONORABLE CLERK
U.S. DISTRICT COURT OF ALABAMA
MIDDLE DISTRICT OF ALABAMA
P.O. BOX 711
MONTGOMERY, ALABAMA 36101-0711

And

C/O: ATTORNEY GENERAL OFFICE
11 SOUTH UNION STREET
MONTGOMERY, ALABAMA 36130

Respectfully Submitted
Larrie Hope #181215 PRO SE
LARRIE HOPE #181215 -K-25
3700 Holman Unit
ATMORE ALABAMA 36503

LEGAL MAIL

36101+0711

CLERK: THE HONORABLE CLERK:
U.S. DISTRICT COURT OF ALABAMA
MIDDLE DISTRICT OF ALABAMA
P.O. BOX 711
MONTGOMERY, ALABAMA 36101-0711

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